

Article 6

Public Report on process and outcome of the Police Audit Committee

- The Chief Procurement Officer appointed Mr. McCarthy as the interim chair of the committee on 1/22/2024 in his appointment letter.
- The Committee was formed on 4/10/2024 - The process of an email election was under the advice and direction of Town Counsel for the two Petitioner seats. Two Petitioners were elected Kathleen Howley 59 votes and David Clough 58 votes. The Chief Procurement Officer's designee chose the two community members at large. The two Community members at large nominated and selected by the Chair are Mr. John Kelly and Mr. Daniel Muse. The Secretary, Alison Neff, was authorized by the Select Board. The money to pay for the salary will come from a mitigation account or free cash and not the \$200,000 voted for the Audit.
- The Committee met on 4/29/2024 for Chairman nominations and to begin discussion on the Scope of Services.
- On 5/1/2024 Mr. Clough inquired with the Town Administrator if Roberts Rules of Order were followed for the Chair vote on 4/29/2024. The Town Administrator responded with the following statement "Town Counsel watched the recording of the meeting and although the nomination and vote could have been cleaner, he said Robert's Rules are guidelines rather than hard and fast rules. He suggested that if the vote would remain the same, the committee should move on to the scope and RFP."
- The Committee continued discussing the Scope of Services on 5/16/2024.
- The Committee discussed and voted the final Scope of Services on 6/12/2024.
- The Committee agreed on the final version of the RFP via email on 7/9/2024.
- On 8/1/2024 the Town Administrator was the legal liaison between Town Counsel and the Chief Procurement Officer (CPO) to provide suggested legal edits to the RFP. Town Counsel reviewed the Scope of Services and no changes were made. Both Town Counsel and CPO questioned # 20 Submission of Bids. Both felt that insisting on submissions via FedEx and including a tracking number may be detrimental to the number of bids we receive. This was detailed in an email the Chair forwarded to

the committee on 8/5/2025. “Given the size of the documents expected, some may hand deliver. Also, given the time sensitivity of the submission deadline, many might not want to trust FED-X with that delivery, especially if they are looking to deliver their proposal minutes before the deadline, like most do. I’m expecting some vendors would prefer to use a courier. Therefore I’m suggesting you ask the committee to remove that from “Scope of Services”, which it is not even a part of. The parts that I’ve added to the document are what instructs proposers on how to deliver their proposals. I am asking that the Committee rethink # 20 and remove it from the Scope of Services.”

- On 8/7/2024 Ms. Howley, suggested that the CPO and Town Counsel were supposed to be hand-off the scope and suggested that we why don't they just change the submission requirements to match the scope that the committee voted on? There is no sense in bringing the committee back together unless you see the need. In addition the RFP response email address was recommend to be changed from Mr. McCarthy’s personal email address to a town email address iac@town.canton.ma.us . Mr. Clough suggested an additional to the legal document to change the posting period from 30 days to 45 days due to Labor Day falling within the posting period.
- The RFP was publicly posted in the Canton Citizen and Commbuys for bids on 8/15/2024.
- Through extensive nationwide research Mr. Clough discovered about 100 vendors and sent them to Mr. Scollins in multiple batches, so he could distribute the RFP to potential bidders. Vendors were sourced from other municipalities police audit distribution lists in the Commonwealth and other states.
- Questions for the RFP were emailed to the CPO, and then emailed to the committee.
- On 9/11/2024 Mr. Clough asked for clarification on how the committee would be answering the questions and suggested it be done over a public meeting and not be deliberated over email. The Chair then scheduled a public meeting for 9/19/2025.
- On 9/18/2024 the committee held a public meeting.
- On 9/19/2024 Delcarmen submitted a tracking number for their bid. Delcarmen advised the Chair of an error in their submission and the Chair ordered Delcarmen to have Fedex pick up the package and resubmit their bid by the deadline.

- On 9/23/2024 The Chair asked the recording secretary to review tapes and find out when the time frame of 5 months for the length of time the audit would take place as listed in the anticipated milestones. Who wanted the 5 months and when was this agreed on. Who suggested the 5 months and when was this done. Answer - The first mention of the term “5 months” seems to be in the paperwork sent out with the RFP from Mr. Scollins, and the timeline he included is likely based on having the results ready before town meeting in May 2025 as requested by the Committee. Mr. Clough is the first one to bring up the separate meeting and the first to say/imply it would be before ATM. Mr. Clough says that the special meeting would happen “and then Town Meeting”.

“The Chair then told Mr. Clough he owned a lot of apologies to a lot of people” – this was incorrect information based off the video the recording secretary reviewed.

- The Committee met to review answers to questions received from all proposers. Answers to all questions were provided by the CPO, Town Counsel and the Police Chief on 9/18/2024.
- 9/26/2024 The Chair emails the committee: “We will meet at 2:00 PM on Tuesday October 1 at the Salah Meeting room Town Hall to open the bids received. If you are unable to attend the opening the bids packages will be available for pickup at Randy’s office any time after that. I have scheduled a meeting for Police Audit Committee for November 13, 2024 at the Salah meeting room.”
- On 9/30/2024 the submission of bids deadline expired and the Town received 5 bids.
- 9/30/2024 Mr. Clough asked if the bid opening will be a televised public meeting. Mr. McCarthy confirms via email it will be a public meeting and posts an agenda.
- The Chair attempted to schedule the next meeting on 11/13/2024 which was after the anticipated milestones. After push back from the committee the Chair adjusted the meeting to an earlier date of 11/4/2024.
- On 9/30/2024 The Chair attempted to unilaterally disqualified Delcarmen for missing a tracking number on their second package.
- 9/30/2024 CPO and the Chair canceled the public bid opening meeting and opened the bids in private in the presence of the assistant town accountant out of fear for 5 peaceful protesters in front of town hall. The Chair wrote in a 9/30/2024 email to the Committee: “We have been told that opening bids in public is legal, according to the State and MGL statute. Due to the ongoing questions we decided to open the bids today. Five (5) bids were received. Three (3) bids were qualified. DelCarmen

Consulting was disqualified due not sending a Fed Ex tracking number to the IAC mail box. They also failed to provide a Tax and Non-Collusion Certificate with their bid.” 5 Stones Intelligence Inc was disqualified by the Chair because they also failed to provide a Tax and Non-Collusion Certificate with their bid.

- On 10/1/2024 the Chair scheduled the next public meeting for 11/4/2024 to accommodate one member’s work schedule. Other members were never asked about work schedules.
- Bids were available for pick up for committee members at Town Hall. At pick up Mr. Scollins advised a Mr. Clough that you cannot disqualify vendors without a committee vote and the committee needs to stick to the meeting dates on the anticipated milestones.
- The Committee met to review and rank the proposals received on 10/7/2024.
- The Committee unanimously voted to make Mr. Clough the vendor point of contact on 10/7/2024.
- Emails were sent out for interviews. 5 Stones Intelligence accepted the interview and Matrix declined due to a scheduling conflict.
- On 10/10/2024 the Chair asked the 3rd ranked bidder to be to be emailed for an interview. Mr. Clough inquired if we should offer interviews to all bidders. The Chair specifically said no to Delcarmen. Mr. Clough reminded the Chair of the committee vote was only for 5 Stones and Matrix.
- Mr. Clough secured the Library Community Room for 10/18/2024, so the committee could stay on schedule.
- Town Counsel recommended the committee should reconvene and vote to add bidders to the interview phase. It is best practice to interview at least 3 bidders. The committee should also vote to elevate the next ranked bidder not selected for an interview should another bidder withdraw.
- The Chair stated we will request an interview with Effective Law Enforcement only DelCarmen is not included.
- The Chair emails ELEFA on 10/17/2024 stating the committee offered them an interview. The committee did not vote to offer ELEFA an interview. “Dear Sir: The Police Audit has meet and selected the top 3 candidates. Effective Law Enforcement is one of them. We will be conducting in person interviews on Monday November 4, 2024. I will advise further information later” This was done after Mr.

Clough was unanimously voted vendor outreach by the committee at the 10/7/2024 meeting.

- The Committee interviewed the top ranked proposer on 10/18/2024
- The Committee voted to award the contract to the top ranked proposer on 10/18/2024.
- 10/24/2024 EFELA emailed to see if they were on the 11/4/2024 agenda for an interview.
- On 10/24/2024 The Chair asks Mr. Clough: "David: See below. Please advise this firm [EFELA] that we have selected another firm to do the Audit in Canton. Advise when this is done".
- 10/24/2024 - Mr. Clough emails.
- The Chair then email ELEFA on 10/24/2024 and stated: "Dear Sir: The Police Audit Committee voted to accept the proposal of another vendor. We will not be doing any further interviews. The original scoring by the five (5) members ranked your firm 3rd. Since the firm selected has an unbeatable score the committee felt that subjecting your firm or any other firms to the costs associated with travel Canton would be disingenuous. We thank you for your proposal and wish you well in the future."
- 10/25/2024 Email from the Chair- "Your statement stating that you were voted the vendor outreach by the committee for all of the bidders are lies. It is you David that has no authority to talk or discuss any committee decision with this vendor. Your authority took place on 10/7 and stated "At 1:48:04 (in the CCTV recording) Kathleen makes a motion that "Dave be our outreach person to these two firms as someone who has a professional demeanor and is able to speak to other business people and would present a very good face for Canton. [I motion] that he be designated the outreach person for these firms."
David seconded the motion. Dan says he is fine with that, Jack says "let's just get it done". You reply "I don't want to be in the way of it" and call for a vote. All 5 Committee members raise their hand in favor of the motion and it passes 5-0-0." The chair then states:
"Your authority only applied to 5 Stone Intelligence and Matrix. You have no authority to talk to Effective Law Enforcement for all, DelCarmen or CAER. That authority remained with the Chairman.
Your appointment as the outreach worker is now over. 5 Stone is no longer a bidder but the successful candidate hired to do the Audit and Matrix has withdrawn. I will contact the other three bidders after the contract with 5 Stones is signed. We will give thanks to all of the unsuccessful bidders and advise them that we have chosen someone else.
Any further actions similar to this could result in a request for your resignation from the Police Audit Committee for insubordination and unethical behavior. Your roll as Vendor outreach as voted by the committee on 10/7 is now completed."

- Mr. Clough inquired with Town Counsel about the point of contact with the contract and was advised by Town Counsel that a Request for Legal Services Form needed to be on file from him to provide legal advice to Mr. Clough. Mr. Clough sent the Request for Legal Services Form to the Executive Office to add this to the next Select Board meeting agenda, but no response was given. The Town Administrator was then contacted about the Request for Legal Services Form, and told Mr. Clough that he was unilaterally changing the point of contact. This was false information by the Town Administrator since Mr. Clough was voted point of contact for 5 Stones, by a unanimous committee vote.
- 10/24/2024 Mr. Clough objected to making Robert McCarthy the person to whom the contractor reports to in the final contract.

The Chair and Town Counsel were informed that Mr. Clough was assigned the vendor contact by unanimous vote, by the committee on 10/7. Mr. Clough asked: "Please update this contact to David Clough - Vice Chair Procurement Committee for all communications."

- On 10/25/2024 Mr. Clough and Ms. Howley informed the Town Administrator and The Human Resource Director of a Hostile Work Environment they encountered by the Chair. The Town Administrator responded with the following comments: "My apologies for the delay in responding to your email. I wanted to discuss your question with our HR Director and our Town Counsel before responding to you, to make sure I understood the Town's responsibility in addressing your claim. I have now met with both and asked if you had any recourse regarding your hostile work environment allegation. Unfortunately, as I suspected, you are not an employee of the Town of Canton, so your claim cannot be acted upon by the Town. As a volunteer committee member, you do have the opportunity to remove yourself from the environment that is causing you distress or you have the right to hire your own attorney and pursue your claim privately. However, I'm happy to speak with Mr. McCarthy on your behalf and make him aware of your concerns if you think that would be helpful."
- The Contract Between the Town and 5 Stones Intelligence was executed on 10/28/2024 with Mr. McCarthy as the point of contact.

- The meeting that was scheduled for Friday November 15, 2024 at 1:00 PM at Town Hall with 5 Stone Intelligence was cancelled. Town Hall is closed on Friday's after 12:00 PM and therefore a 1:00 meeting cannot take place at Town Hall. The Police Audit Committee's work has been completed until the Audit is completed. There is no reason for the Police Audit Committee to be part of this meeting. We have already furnished the 9 page Scope of Services, which is the foundation of the Audit and we cannot add anything further to this document. Charles Doody, Town Administrator and Chief Helena Rafferty will contact 5 Stone Intelligence and arrange a time and place for a meeting. The next time the Police Audit Committee will meet will be when the final Audit report is completed.
- On 10/28/2024 The kickoff meeting was scheduled for 11/15/2024 at 1:00 PM at Town Hall. Charles Doody, Town Administrator and Chief Helena Rafferty will be present. This is not a meeting of the Police Audit Committee since our work has been completed until the Audit is completed. The 9 page Scope of Services is the foundation of the Audit and we can not add anything further to this document.
- October 30, 2024, Mr. Brian McKnight notified Mr. McCarthy we had established communication with Chief Rafferty and had already started receiving documents as they related to policy.
- October 31, 2024, in response to a question regarding the necessity for the kickoff meeting (given that communication had already been established between 5Si and the Canton PD), Mr. Brian McKnight confirmed we would be in Canton for the November 15, 2024, meeting and that we would be starting the process of the review immediately after.
- Mr. Clough reminded the Chair that the Town Administrator could not be present for this meeting 11/1/2024 due to a conflict of interest.
- 11/1/2024 – The Chair emails the committee “The meeting that was scheduled for Friday November 15, 2024 at 1:00 PM at Town Hall with 5 Stone Intelligence has been cancelled. Town Hall is closed on Friday's after 12:00 PM and therefore a 1:00 meeting cannot take place at Town Hall. The Police Audit Committee's work has been completed until the Audit is completed. There is no reason for the Police Audit Committee to be part of this meeting. We have already furnished the 9 page Scope of Services, which is the foundation of the Audit and we cannot add anything further to this document. Charles Doody, Town Administrator and Chief Helena Rafferty will contact 5 Stone Intelligence and arrange a time and place for a meeting. The

next time the Police Audit Committee will meet will be when the final Audit report is completed.”

- On 11/5/2024 The Town Administrator was identified as a point of contact for 5 Stones Intelligence should they need to access any town employees or records that the police department can't provide.
- Mr. Clough provides the exact minute of the vote to Town Counsel where Mr. Clough was voted unanimously to make him the point of contact.
- On 11/5/2024 the Town Administrator stated he was happy to provide access to Town Counsel should the committee choose to vote a new point of contact.
- On 11/7/2024 Mr. Clough questions why the Town Clerk isn't the records agent providing records to 5 Stones. In addition a committee member questioned the Town Administrators conflict of interest with the Karen Read case.
- On 11/8/2024 The Town administrator requested Mr. Clough cease and desist from contacting him about the audit process.
- On Friday November 15, 2024, at 10:30 am, Mr. Germanowski along with Mr. Brian McKnight met with; Mr. Charlie Doody, Canton Town Administrator, Ms. Helena Rafferty, Chief of the Canton Police Department and Ms. Jaime Kenny, Labor Attorney for the Town of Canton, at 801 Washington Street. These were the only individuals present at the meeting.

During this meeting we discussed:

1. The Scope of work contained in the Audit
2. The process we anticipate utilizing to work through the Scope of Work
3. Travel schedules

The meeting lasted approximately one hour.

At the conclusion of the kickoff meeting, Brian McKnight and Mr. Germanowski departed 801 Washington Street and proceeded to the Canton Police Department. We arrived at the Canton Police Department and at our request, met with the Canton Police Department Command Staff.

At this meeting we introduced ourselves as well as our objectives. We answered general questions as they related to procedures, time frames and timing of notifications for interviews.

At the conclusion of the larger meeting, Brian and Mr. Germanowski met privately with Chief Rafferty and Deputy Chief Patricia Sherrill. We provided them with a request for investigative files as they relate to the Scope of Work and our “entry point” into the review. We identified secure office space to be utilized and established a schedule for November 18 through November 20, 2024.

On Monday November 18, 2024, at 9:30 am we began the Audit and Review in earnest. We concluded our on-site work Wednesday, November 20, 2024, at 7:10 pm.

Neither Brian or Mr. Germanowski spoke with Bob, or any other committee member while in Canton. Our focus was on the work we have been hired to perform. We are tentatively scheduled to return to Canton the week of December 2, 2024, through December 6, 2024.

- On 11/22/2025 The Chair tells Mr. Germanowski that in the In the future you can update me only and I will get this information to the full committee.
- McCarthy directed 5 Stones Intelligence to update him at his personal email address or his personal phone.
- 5 Stones Intelligence arrived in the Canton area on December 1, 2024, and resumed the “in-person” audit functions within the Canton Police Department the morning of Monday December 2, 2024. We will be ending today December 6, 2024, at 4:40 pm.

They focused heavily on the Scope of Work areas:

- A)- 1-Policies, Procedures and Regulations
- B)- 3. Professional Standards and Accountability
- C)- 7. Hiring, Training and Equipment
- D)- 10. Select Board Oversight and Industry Standards
- E)- 11. Recommendations and Compliance Review
- F)- 6. Management Organization and Culture
- G)- Conducted Several Liaison interviews in support of 6 above.

5 Stones Intelligence announced they will be returning to Canton on January 13, 2025, to continue the “in-person” portion of the audit.

- On 1/7/2025 Brian McKnight informed the Chair that the Audit team will be in Canton the weeks of January 13 & January 20, 2025.

- On 1/30/2025 - Brian McKnight updated the Chair. 5 Stone has just completed 9 days in Canton reviewing and addressing the Scope of Services. 5 Sone stated that they are now at about 60% completed on the Scope of Services. They will return on 2/17 Week and another week in March. The report is ongoing.
- The Chair talked with Brian McKnight this on 3/13/2025. Five (5) copies of the Police Audit report will be available on March 31. The Chair will advise where the committee can pick up the report when more information is available. This was the last notification the committee was provided by 5 Stones Intelligence.
- On 3/11/2025 a committee member reached out to the Chair about scheduling the public forum and about communications the Chair had with the vendor. The Chair scheduled a committee meeting for 4/3/2025 and the public forum for 4/5/2025. The final audit and executive summary will be available for the committee to review on 4/1/2025. A committee member questioned if that was enough time to review the final report to ensure that contractual obligations have been met.
- The recording secretary posted the 4/3/2025 agenda on Facebook and that's how committee members learned of the meeting.
- On 3/12/2025 Mr. Clough suggested that a moderator from the [Massachusetts Moderators Association](#) that is located outside the town or county be used to moderate the forum.
- The Chair states – “assuming the final report is delivered the vendor will be paid.” Mr. Clough questioned if we need to verify deliverables before releasing payment. The Chair removed voting to release vendor payment from the agenda.
- On 3/13/2025 The Chair talked with Brian McKnight in the morning. Five (5) copies of the Police Audit report will be available on March 31.
- Brian McKnight called the Chair on 3/15/2025 and advised me that 5 Stones will be in Canton all of next week. The final report will not be available on March 31 but will be available on April 1
- A committee member questioned the 5 Stones RFP response saying the final report will be completed two weeks ahead of the 4/1 deadline.
- On 3/19/2025 the chair revised the agenda.
- The top-ranked proposer has completed the Scope of Services and issued a final Audit report. The committee members will receive the final report 48 hours before they vote on it at the April 3, 2025 meeting.
- The Committee will review said report upon its completion and submittal to the Committee.

- A public meeting and question and answer session will be held on Saturday April 5, 2025.